

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

JEFFREY D. CORDTZ)
) CIVIL ACTION NUMBER:
)
 Plaintiff,)
 v.) 1:21-CV-02003-MHC-LTW
)
 JOHNSON LEGAL OFFICES, L.L.C.,)
 FCI LENDER SERVICES, INC. and)
 LARRY JOHNSON,)
)
 Defendants.)

**ANSWER AND AFFIRMATIVE DEFENSES
OF FCI LENDER SERVICES, INC.
TO PLAINTIFF'S SECOND AMENDED COMPLAINT**

Defendant, FCI Lentor Services, Inc. (“FCI”), by and through undersigned counsel, hereby files its Answer and Affirmative Defenses to Plaintiff Jeffrey D. Cordtz’s (“Plaintiff”), Second Amended Complaint (Doc. No. 66), as follows:

I. NATURE OF ACTION

1. FCI neither admits nor denies the allegations of paragraph 1 of the Second Amended Complaint and demands strict proof thereof.
2. FCI denies the allegations in paragraph 2 of Plaintiff's Second Amended Complaint and demands strict proof thereof.
3. FCI denies the allegations in paragraph 3 of Plaintiff's Second Amended Complaint and demands strict proof thereof.
4. FCI is without sufficient knowledge to respond to the allegations in paragraph 4 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

5. FCI is without sufficient knowledge to respond to the allegations in paragraph 5 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
6. FCI is without sufficient knowledge to respond to the allegations in paragraph 6 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
7. FCI is without sufficient knowledge to respond to the allegations in paragraph 7 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
8. FCI is without sufficient knowledge to respond to the allegations in paragraph 8 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
9. FCI is without sufficient knowledge to respond to the allegations in paragraph 9 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
10. FCI is without sufficient knowledge to respond to the allegations in paragraph 10 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
11. FCI is without sufficient knowledge to respond to the allegations in paragraph 11 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
12. FCI denies the allegations in paragraph 12 of Plaintiff's Second Amended Complaint and demands strict proof thereof.
13. FCI is without sufficient knowledge to respond to the allegations in paragraph 13 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
14. FCI is without sufficient knowledge to respond to the allegations in paragraph 14 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
15. FCI is without sufficient knowledge to respond to the allegations in paragraph 15 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
16. FCI admits the allegations in paragraph 16 of Plaintiff's Second Amended Complaint.

17. FCI is without sufficient knowledge to respond to the allegations in paragraph 17 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
18. FCI is without sufficient knowledge to respond to the allegations in paragraph 18 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
19. FCI is without sufficient knowledge to respond to the allegations in paragraph 19 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
20. FCI is without sufficient knowledge to respond to the allegations in paragraph 20 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
21. FCI is without sufficient knowledge to respond to the allegations in paragraph 21 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
22. FCI is without sufficient knowledge to respond to the allegations in paragraph 22 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
23. FCI is without sufficient knowledge to respond to the allegations in paragraph 23 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
24. FCI is without sufficient knowledge to respond to the allegations in paragraph 24 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
25. FCI is without sufficient knowledge to respond to the allegations in paragraph 25 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
26. FCI is without sufficient knowledge to respond to the allegations in paragraph 26 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
27. FCI is without sufficient knowledge to respond to the allegations in paragraph 27 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.
28. FCI is without sufficient knowledge to respond to the allegations in paragraph 28 of

Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

29. FCI is without sufficient knowledge to respond to the allegations in paragraph 29 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

30. FCI is without sufficient knowledge to respond to the allegations in paragraph 30 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

31. FCI is without sufficient knowledge to respond to the allegations in paragraph 31 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

32. FCI is without sufficient knowledge to respond to the allegations in paragraph 32 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

33. FCI is without sufficient knowledge to respond to the allegations in paragraph 33 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

34. FCI is without sufficient knowledge to respond to the allegations in paragraph 34 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

35. FCI is without sufficient knowledge to respond to the allegations in paragraph 35 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

36. FCI is without sufficient knowledge to respond to the allegations in paragraph 36 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

37. FCI is without sufficient knowledge to respond to the allegations in paragraph 37 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

38. FCI is without sufficient knowledge to respond to the allegations in paragraph 38 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

39. FCI is without sufficient knowledge to respond to the allegations in paragraph 39 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

40. FCI is without sufficient knowledge to respond to the allegations in paragraph 40 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

41. FCI is without sufficient knowledge to respond to the allegations in paragraph 41 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

42. FCI is without sufficient knowledge to respond to the allegations in paragraph 42 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

43. FCI is without sufficient knowledge to respond to the allegations in paragraph 43 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

44. FCI is without sufficient knowledge to respond to the allegations in paragraph 44 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

45. FCI is without sufficient knowledge to respond to the allegations in paragraph 45 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

46. FCI is without sufficient knowledge to respond to the allegations in paragraph 46 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

47. FCI is without sufficient knowledge to respond to the allegations in paragraph 47 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

48. FCI is without sufficient knowledge to respond to the allegations in paragraph 48 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

49. FCI denies the allegations in paragraph 49 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

50. FCI admits the allegations of paragraph 50 of Plaintiff's Second Amended Complaint.

51. FCI states that document referred to in paragraph 51 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 51 of Plaintiff's Amended Complaint and

demands strict proof thereof.

52. FCI states that document referred to in paragraph 52 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 52 of Plaintiff's Amended Complaint and demands strict proof thereof.

53. FCI states that document referred to in paragraph 53 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 53 of Plaintiff's Amended Complaint and demands strict proof thereof.

54. FCI denies the allegations in paragraph 54 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

55. FCI denies the allegations in paragraph 55 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

56. FCI denies the allegations in paragraph 56 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

57. FCI denies the allegations in paragraph 57 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

58. FCI denies the allegations in paragraph 58 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

59. FCI states that document referred to in paragraph 59 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 59 of Plaintiff's Amended Complaint and demands strict proof thereof.

60. FCI denies the allegations in paragraph 61 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

61. FCI is without sufficient knowledge to respond to the allegations in paragraph 61 of

Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

62. FCI is without sufficient knowledge to respond to the allegations in paragraph 62 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

63. FCI admits the allegations in paragraph 63 of Plaintiff's Second Amended Complaint.

64. FCI denies the allegations in paragraph 64 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

65. FCI denies the allegations in paragraph 65 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

66. FCI denies the allegations in paragraph 66 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

67. FCI admits the allegations in paragraph 67 of Plaintiff's Second Amended Complaint.

68. FCI admits the allegations in paragraph 68 of Plaintiff's Second Amended Complaint.

69. FCI states that website referred to in paragraph 69 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 69 of Plaintiff's Amended Complaint and demands strict proof thereof.

70. FCI states that website referred to in paragraph 70 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 70 of Plaintiff's Amended Complaint and demands strict proof thereof.

71. FCI denies the allegations in paragraph 71 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

72. FCI is without sufficient knowledge to respond to the allegations in paragraph 72 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

73. FCI is without sufficient knowledge to respond to the allegations in paragraph 73 of

Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

74. FCI is without sufficient knowledge to respond to the allegations in paragraph 74 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

75. FCI is without sufficient knowledge to respond to the allegations in paragraph 75 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

76. FCI is without sufficient knowledge to respond to the allegations in paragraph 76 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

77. FCI is without sufficient knowledge to respond to the allegations in paragraph 77 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

78. FCI is without sufficient knowledge to respond to the allegations in paragraph 78 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

79. FCI denies the allegations in paragraph 79 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

80. FCI denies the allegations in paragraph 80 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

81. FCI is without sufficient knowledge to respond to the allegations in paragraph 81 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

82. FCI states that document referred to in paragraph 82 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 82 of Plaintiff's Amended Complaint and demands strict proof thereof.

83. FCI states that document referred to in paragraph 83 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 83 of Plaintiff's Amended Complaint and demands strict proof thereof.

84. FCI denies the allegations in paragraph 84 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

85. FCI is without sufficient knowledge to respond to the allegations in paragraph 85 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

86. FCI denies the allegations in paragraph 86 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

87. FCI denies the allegations in paragraph 87 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

88. FCI is without sufficient knowledge to respond to the allegations in paragraph 88 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

89. FCI is without sufficient knowledge to respond to the allegations in paragraph 89 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

90. FCI is without sufficient knowledge to respond to the allegations in paragraph 90 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

PARTIES

91. FCI is without sufficient knowledge to respond to the allegations in paragraph 91 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

92. FCI is without sufficient knowledge to respond to the allegations in paragraph 92 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

93. FCI is without sufficient knowledge to respond to the allegations in paragraph 93 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

94. FCI is without sufficient knowledge to respond to the allegations in paragraph 94 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

95. FCI is without sufficient knowledge to respond to the allegations in paragraph 95 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

96. FCI is without sufficient knowledge to respond to the allegations in paragraph 96 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

97. FCI admits the allegations in paragraph 97 of Plaintiff's Second Amended Complaint.

98. FCI admits the allegations in paragraph 98 of Plaintiff's Second Amended Complaint.

99. FCI admits the allegations in paragraph 99 of Plaintiff's Second Amended Complaint.

100. FCI admits the allegations in paragraph 100 of Plaintiff's Second Amended Complaint.

101. FCI admits the allegations in paragraph 101 of Plaintiff's Second Amended Complaint.

**COUNT I -VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT – ALL DEFENDANTS**

102. FCI states that statute referred to in paragraph 102 of the Amended Complaint speaks for itself. FCI denies the remaining allegations in paragraph 102 of Plaintiff's Amended Complaint and demands strict proof thereof.

103. FCI denies the allegations in paragraph 103 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

104. FCI denies the allegations in paragraph 104 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

105. FCI denies the allegations in paragraph 105 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

106. FCI denies the allegations in paragraph 106 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

107. FCI denies the allegations in paragraph 107 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

108. FCI denies the allegations in paragraph 108 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

109. FCI denies the allegations in paragraph 109 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

110. FCI denies the allegations in paragraph 110 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

111. FCI denies the allegations in paragraph 111 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

112. FCI is without sufficient knowledge to respond to the allegations in paragraph 112 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

113. FCI denies the allegations in paragraph 113 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

114. FCI is without sufficient knowledge to respond to the allegations in paragraph 114 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

115. FCI denies the allegations in paragraph 115 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

116. FCI denies the allegations in paragraph 116 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

117. FCI denies the allegations in paragraph 117 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

118. FCI denies the allegations in paragraph 118 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

119. FCI denies the allegations in paragraph 119 of Plaintiff's Second Amended Complaint and

demands strict proof thereof.

120. FCI is without sufficient knowledge to respond to the allegations in paragraph 120 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

121. FCI is without sufficient knowledge to respond to the allegations in paragraph 121 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

122. FCI is without sufficient knowledge to respond to the allegations in paragraph 122 of Plaintiff's Second Amended Complaint and therefore demands strict proof thereof.

**COUNT II – VIOLATIONS OF THE FAIR
BUSINESS PRACTICE ACT (FCI ONLY)**

123. FCI denies the allegations in paragraph 123 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

124. FCI states that statutes referred to in paragraph 124 of the Amended Complaint speak for themselves. FCI denies the remaining allegations in paragraph 124 of Plaintiff's Amended Complaint and demands strict proof thereof.

125. FCI denies the allegations in paragraph 125 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

126. FCI denies the allegations in paragraph 126 of Plaintiff's Second Amended Complaint and demands strict proof thereof.

AFFIRMATIVE DEFENSES

COMES NOW FCI Lender Services, Inc. ("FCI"), having fully answered the foregoing Second Amended Complaint, hereby asserts the following affirmative defenses:

1.

Plaintiff's Second Amended Complaint fails to state a claim for which relief can be granted.

2.

Plaintiff's claims are barred by the applicable statutes of limitations and/or repose.

3.

Plaintiff's alleged injuries and damages, which are strictly denied by FCI, were not proximately or actually caused by FCI.

4.

All of FCI's alleged acts and/or omissions were done, if at all, pursuant to FCI's lawful rights, in a commercially reasonable manner, and/or were in compliance with the terms of any agreement(s) at issue in this litigation.

5.

Plaintiff's claims are barred by the doctrines of waiver, estoppel, ratification, consent, acquiescence, laches, and "unclean hands."

6.

FCI has not committed any wrongful, illegal, or inappropriate act, and FCI has not breached any duty owed to Plaintiff, if any exists (which FCI denies), and FCI has not violated any code, regulation, statute, law or section of the State of Georgia or of the United States.

7.

The cause of Plaintiff's alleged injuries were the actions or inactions of persons other than FCI and, as a result, Plaintiff is not entitled to recover from FCI.

8.

Plaintiff cannot meet the burden of proof with respect to each and every element of Plaintiff's alleged causes of action.

9.

Plaintiff's claims are barred or diminished because Plaintiff's alleged damages are inconsequential, *de minimus*, speculative and/or were not reasonably foreseeable from the acts or omissions complained of.

10.

To the extent Plaintiff pleads mental anguish or emotional distress, and resulting damages, the imposition of such damages and the determination of the amount of such damages, without any accompanying physical or bodily injury, are improper.

11.

FCI contests that any errors were made, however, if it were to be determined otherwise, such errors were unintentional and FCI maintains procedures reasonably adapted to avoid such errors and/or violations.

12.

FCI did not act debt collector, as defined by 15 U.S.C. §1692, in the matter described in the Second Amended Complaint.

13.

Plaintiff failed to give required notices pursuant to the Fair Business Practices Act.

14.

FCI expressly reserves the right to assert additional claims, and/or to assert additional affirmative defenses as facts come to light in this matter through pending investigation and discovery so as to warrant the assertion of additional and appropriate defenses.

Dated this 27th day of December, 2021.

/s/ Mark A. Baker
Mark A. Baker
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Peachtree Corners, GA 30092
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mbaker@mtglaw.com
COUNSEL FOR DEFENDANT FCI LENDER SERVICES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2021, I electronically filed the foregoing Answer to Second Amended Complaint and Affirmative Defenses with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

All counsel of record.

/s/ Mark A. Baker